



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/564,479

01/13/2006

Seppo Heimala

1034281-000002

9194

21839 7590 11/14/2008
BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER

SHEVIN, MARK L

ART UNIT

PAPER NUMBER

1793

NOTIFICATION DATE

DELIVERY MODE

11/14/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

Notice of Allowability	Application No.	Applicant(s)	
	10/564,479	HEIMALA ET AL.	
	Examiner	Art Unit	
	Mark L. Shevin	1793	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 07/07/2008.
2. ☒ The allowed claim(s) is/are 1 and 12-25.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
|--|--|

/Roy King/
Supervisory Patent Examiner, Art Unit 1793

DETAILED ACTION - THIS ACTION REPLACES the NOTICE OF ALLOWANCE

MAILED NOVEMBER 4th, 2008.

Status of Claims

1. Claims 1 and 12-25, filed July 7th, 2008, are currently under examination. Compared to the claims filed January 13th, 2006 and examined in the previous Office Action mailed April 7th, 2008:

Amended: Claims 1 and 12-19

Cancelled: Claims 2-11

New: Claims 20-25

Status of Previous Objections

2. The previous objection to the drawing, Figure 1, is withdrawn in view of Applicant's remarks at p. 8, para 4.

Status of Previous Rejections

3. The previous rejections of claims 1-7 and 9-10 under 35 U.S.C 103(a) over **Schlitt** (US 4,152,142) in view of **Gabb** (US 5,616,168) and **Johnson** (US 3,957,602) have been withdrawn in view of the amendments to claim 1 and Applicants' remarks at p. 9 -12.

4. The previous rejections of claims 8 and 11-19 under 35 U.S.C. 103(a) over **Schlitt** (US 4,152,142) in view of **Gabb** (US 5,616,168) **Johnson** (US 3,957,602), **Heimala** (US 5,108,495) and **Richmond** (US 6,537,440) have been withdrawn in view of the amendments to claim 1 and Applicants' remarks at p. 9 -12.

Allowable Subject Matter and Reasons for Allowance

5. Claims 1 and 12-25 are allowed.

The following is an examiner's statement of reasons for allowance:

The closest prior art in this case, Schlitt (US 4,152,142), does not teach recycling copper sulfide bearing material to the smelter nor a conversion step, but instead teaches a cementation step which yields free copper and iron sulfate. The next closest art of Gabb (5,616,168), as used as a secondary reference, does not teach or provide motivation to modify Schlitt to include a conversion step combining iron-depleted copper sulfate solution with sulfide-bearing concentrate nor the recycling of sulfide from copper to the smelter.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Pertinent Prior Art

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hanniala: WO 2004/050925 A1 (June 17th 2004)

Hulthom: WO 2006/084950 A1 (August 17th, 2006)

Conclusion

-- Claims 1 and 12-25 are allowed

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark L. Shevin whose telephone number is (571) 270-3588 and fax number is (571) 270-4588. The examiner can normally be reached on Monday - Thursday, 8:30 AM - 5:00 PM EST.

Art Unit: 1793

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy V. King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/Mark L. Shevin/

Examiner, Art Unit 1793

/Roy King/

Supervisory Patent Examiner, Art Unit 1793

November 5th, 2008

10-564,479